

SENATE BILL REPORT

SB 5907

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 19, 2009

Title: An act relating to limiting mandatory overtime for corrections officers and sergeants employed by a city or county jail.

Brief Description: Limiting mandatory overtime for corrections officers and sergeants. [Revised for 1st Substitute: Limiting mandatory overtime for corrections officers and sergeants employed by a county jail.]

Sponsors: Senators Keiser, Swecker and Roach.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/16/09, 2/19/09 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: That Substitute Senate Bill No. 5907 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Minority Report: Do not pass.

Signed by Senator Holmquist, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Honeyford and King.

Staff: Kathleen Buchli (786-7488)

Background: Certain employees of health care facilities cannot be required to work overtime, and any attempt to compel or force overtime work is contrary to public policy. Any requirement to work overtime contained in a contract, agreement, or understanding is void. Acceptance of overtime is voluntary, and the refusal to accept overtime work is not grounds for discrimination or dismissal.

The prohibition on overtime work does not apply when there is an unforeseeable emergent circumstance; the employee has prescheduled on-call time; when the employer documents a

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reasonable effort to obtain staffing; or when an employee is required to work overtime to complete a patient care procedure already in progress.

Summary of Bill (Recommended Substitute): Corrections officers employed by a county jail located in a county with a population of more than 1,500,000 may not be required to work more than four hours of overtime per day. Corrections officers may not be required to work more than four hours of overtime. These employees may volunteer to work additional overtime and an employee who refuses to volunteer for additional overtime may not be subject to an adverse employment decision. Corrections officers may be required to work more than four hours of overtime per day if the employer has sought employee volunteers and has not had enough employees volunteer to meet sufficient staffing levels and the work is due to an unforeseeable emergent circumstance, or if the employer documents reasonable efforts to obtain staffing. An employer has not used reasonable efforts to obtain staffing if the overtime work is used to fill vacancies resulting from chronic staff shortages.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Recommended Substitute): Cities are removed from the scope of the bill. Provisions relating to correction officers are removed from overtime provisions of licensed practical nurses or registered nurses and are placed in their own section. Provisions relating to when an employee may be required to work overtime are reorganized to clarify that an employee may not be required to work more than four hours of overtime unless there is an unforeseen emergent circumstance or if the employer documents reasonable efforts to obtain staffing.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This will limit mandatory overtime to four hours. Mandatory overtime has increased every year. Some officers have back to back overtime shifts, several days in a row. This is a health and safety issue and continues to be a problem. We need some relief to assist our officers. We are not trying to eliminate overtime, but are trying to put reasonable parameters on it. We are willing to take the cities out of the bill. There are hundreds of state prisoners in King County jails; there is a state interest in making these safe places to work. Excessive mandatory overtime is destructive and harmful.

CON: We agree that mandatory overtime is a bad thing. However, to provide safe conditions for inmates and staff, we need to maintain a certain level of staffing. We have added additional corrections officers positions in 2008. It is questionable that the bill provides for four hours of mandatory overtime, and there is some internal inconsistency in the language. The biggest problem is finding people who are able to do the work. We cannot compromise the quality of people we hire.

Persons Testifying: PRO: Mark Gjurasic, Arne Walker, King County Adult Corrections Guild; Randy Weaver, Mike Music, King County Corrections Guild.

CON: Mike West, King County Department of Adult and Juvenile Detention.